

Remarks

In the specification paragraphs 14 and 19 were amended to correct the structures therein, because the structures incorrectly had three ether groups instead of two ether groups. Examples of the invention that correctly show the two ether groups are on page 38.

Claims 1 and 4 were amended to correct the structures therein for the same reason that the specification was amended. Additionally, the amendments to the claims satisfies the 35 USC 112 rejection raised in the Office Action.

Claims 1-24 and 26-29 were rejected under 35 USC 103(a) as being unpatentable over Burgoyne, US Patent 6,060,170 ('170). The Office Action states that the structure of col. 3-4 in '170 reads on the structure of claims 1 and 4.

Applicants traverse that rejection. The polymer structure that is disclosed in '170 is similar to Applicants present invention; however, in '170 the G groups are individually H; or aromatic groups. In Applicants present invention the G groups are hydroxylalkyl groups. There is no teaching nor suggestion in '170 to modify the G groups therein for the hydroxylalkyl groups claimed by Applicants. Absent a teaching or suggestion to make that substitution, Applicants invention is novel and unobvious over '170; therefore, it is respectfully requested that the claims 1-29 be allowed to issue as a patent.

The Office Action states that '170:

“does not disclose the use of an undecanone in step (2) to form the claimed y repeat units. However, the reference does disclose the use of...benzophenone (see col. 22, line 58) having the same ketone group and having the same functionality in the same mechanism to form the products. Therefore, it would have been obvious to one of ordinary skill in the art to select the ketone components from the reference to replace the claimed undecanone since they have been shown to be effective in a similar system and thus would have been expected to provide adequate results.”

Applicants disagree with that statement. '170 does not teach nor suggest the use of any components other than aromatic components for substitution on the PAE-2 polymer. Applicants have discovered that the claimed aliphatic groups can be substituted onto the

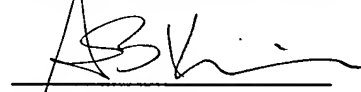
Appl. No. 10/621,022

PAE-2 polymer. There is no teaching nor suggestion in '170 to do what Applicants have done; therefore, claims 1-29 are patentable over 170.

The present Office Action made the Restriction Requirement final and withdrew consideration of the claim 25, because it stated that there is no allowable generic or linking claim. It is respectfully requested that after considering this response, if the Examiner agrees, that all the claims be allowed to issue as a single patent.

Early allowance of all the claims is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. B. Kiernan', is written over a horizontal line.

Anne B. Kiernan
Reg. No. 36,566
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